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Attorneys for Defendants Tyco International, Inc.,

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY**

<p>ELBEX VIDEO, LTD., a Japanese corporation, Plaintiff, v. TYCO INTERNATIONAL, LTD., SENSORMATIC ELECTRONICS CORPORATION and JOHN DOES 1-10, Defendants.</p>	<p>No. 06-CV-5178 (PGS) Hon. Peter G. Sheridan, U.S.D.J. PROPOSED ORDER</p>
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THIS MATTER having come before the Court by Robinson & Livelli and Bartlit Beck Herman Palenchar & Scott, LLP, attorneys for defendant Tyco International, Ltd. ("Tyco"), for the entry of an Order directing the filing of documents under seal pursuant to Local Civil Rule 5.3(c); and it appearing from the papers submitted in support of the motion that defendant is entitled to the relief sought; and good cause having been shown; for the reasons set forth in the Court's Findings of Fact and Conclusions of Law with respect to this motion;

IT IS, on this 22 day of May, 2007

ORDERED that defendant Tyco's Motion to Seal certain documents filed in support of its Combined Reply In Further Support Of Its Motion To Dismiss And In Opposition To Elbex's Motion For Discovery is granted as follows, pursuant to Local Civil Rule 5.3(c):

- An excerpt of a deposition marked "Confidential," and entitled "Continued videotaped 30(b)(6) deposition of Elbex Video, Ltd. and Elbex America (NY) Inc. by their representative, David Elberbaum," dated April 21, 2004 (attached to the Supplemental Certification of Brian Swanson ("Swanson Supp. Cert.") as Exhibit N).
- Emails produced by Elbex Video, Ltd. ("Elbex") and marked "Confidential," from Casey Teo and addressed to Baruch Shaham and Amnon Boker regarding "Fw: Compliance of CCTV sub-system for CPC", and including other emails from Peter Wang and various recipients, bates labeled PELB-05-001912-B – PELB-05-001913-B (Swanson Supp. Cert., Exh. O).
- Emails produced by Tyco and marked "Confidential," from Peter Wang and addressed to Casey Teo and Ng Tiong Peng dated October 7, 2002 regarding "Fw: Compliance of CCTV sub-system for CPC", and including other emails to various recipients, bates labeled TBS008343 – TBS008344 (Swanson Supp. Cert., Exh. P).
- An excerpt of a deposition marked "Confidential," and entitled "Deposition of Glen Miskiewicz" dated November 30, 2004 (Swanson Supp. Cert., Exh. R).


HONORABLE ESTHER SALAS
United States Magistrate Judge

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<p>ELBEX VIDEO, LTD., a Japanese corporation, Plaintiff,</p> <p>v.</p> <p>TYCO INTERNATIONAL, LTD., SENSORMATIC ELECTRONICS CORPORATION and JOHN DOES 1-10, Defendants.</p>	<p>No. 06-CV-5178 (PGS) Hon. Peter G. Sheridan, U.S.D.J.</p> <p>PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW</p>
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Defendant Tyco International, Ltd. ("Tyco") having filed a Motion To Seal certain documents in support of its Combined Reply In Further Support Of Its Motion To Dismiss And In Opposition To Elbex's Motion For Discovery, the Court makes the following findings of fact and conclusions of law, pursuant to Local Civil Rule 5.3(c)(5):

1. The Court finds that the parties entered into a protective order providing for the confidential treatment of certain sensitive business documents produced in the litigation that are designated "Confidential" by the producing party.

2. The Court further finds that the documents defendant Tyco seeks to have sealed were designated "Confidential" by the parties pursuant to the protective order, presumably because those documents contained such sensitive business information.

3. The Court agrees that the information sought to be sealed appears to contain sensitive business information of the parties that is not known by the general public.

4. The Court further finds that revealing to the public and the parties' competitors the confidential business information sought to be sealed would injure the parties' business interests.

5. Accordingly, the Court finds that good cause exists to seal the documents at issue under the considerations set forth in Pansy v. Borough of Stroudsburg, 23 F.3d 772 (3d Cir. 1994) and Local Civil Rule 5.3(c)(2). The Court therefore permits the requested documents to be maintained under seal.



HONORABLE ESTHER SALAS
United States Magistrate Judge